done a year and a half ago?

A. I think you have the time wrong on the Pennsylvania trial.

Q. Please correct me on the agreement being reached to do the parallel trial.

MR. ALBERT: Do you know the dates?

MS. SHOCKETT: No, I --

HEARING EXAMINER: On the panels, we're not going to be talking back and forth among the panel members, okay? We'll keep everything on the record. Back to responding to attorneys' questions.

MR. ALBERT: Yeah, I had thought our report to the Pennsylvania Commission was either in August or September of 2001.

BY MR. PERKINS: (Continuing)

Q. I was speaking about the provision to go back with to the parallel provisioning.

A. (Albert) That would have been, I would say, around April of 2001. It's whenever the last wave of Pennsylvania hearings were occurring, you know, the trial agreement was an outgrowth probably within about a month of that time frame.

Q. Okay.

(There was a pause in the proceedings.)

Does anyone on the panel know when

Cavalier first submitted requests for fiber maps for Virginia to Verizon?

A. No.

Q. Would anyone disagree with the date of June 9th of 2000?

A. (Shockett) I have nothing on which to base that, so...

Q. Okay. Is that a "no"? It's insufficient information?

Does anyone on the panel know when Verizon provided its first fiber map to Cavalier?

A. (Boichot) No.

Q. Would anyone disagree with the date of September 14th of 2000?

MR. SMITH: Objection. They said that they did not know.

MR. PERKINS: That was on a different question.

HEARING EXAMINER: I thought they just said they didn't know when the maps were submitted.

MR. PERKINS: The first question was when Cavalier requested maps, and the second one was when the maps were provided.

HEARING EXAMINER: Okay. And they answered they didn't know to both of those, so I'll

sustain the objection to -- since they have answered they don't know --

MR. PERKINS: That's fine. If they don't know, that's fine.

HEARING EXAMINER: Right.

MR. PERKINS: Certainly, Your Honor.

BY MR. PERKINS:

Q. Is there anyone that is testifying in this proceeding that would know any more detail about the fiber maps?

A. (Albert) I mean, I know we've had them available for a while. The wire center fiber maps were an outgrowth of Massachusetts, which was one of the very first Verizon states where we started to provide dark fiber. And the wire center-based geography, street-level detail map showing where the fiber-optic sheaths are, that originated from our dark fiber offering in Massachusetts, and it's become part of our interconnection agreements and part of our offering that we have in our other states. So, that's where it first began.

Q. What's the typical turnaround time for providing that type of map in the other states; do you know?

A. No, I don't. There's a time and a

materials process where based on the particular number -- in specific wire centers that the CLEC is interested, in we'll develop a price quote and then, really, the turnaround time frame is, I think, a function of the quality of wire centers that are being requested. But we'll give an estimate in terms of what costs would be as well as what the time frames would be.

Q. And that's the fiber map with one CO and the fiber that comes out of it. Is that correct?

A. Yes. When I say "a wire center map" I'm talking about a map that covers a single wire center which would be a single central office area.

Q. Okay. Do you know what the approximate cost of those maps are in general?

A. (Shockett) It would vary based on the requests, and it's based on time and materials in the state, each state.

MR. PERKINS: Can we have just a moment, please?

(There was a pause in the proceedings.)

BY MR. PERKINS:

Q. Mr. Albert, does Verizon offer dark fiber in Virginia through intermediate central offices without a collocation office arrangement in the

intermediate central office?

A. (Shockett) No, we do not.

Q. And why is that?

A. Our dark fiber offering in Virginia is a dark fiber -- continuous dark fiber span between two points, and it would be available dark fiber without the need to do any construction work or additional work to make it a continuous span. So, if you have to go through an intermediate office, there's additional work involved in doing that, and, therefore, it's not available under the current dark fiber definition.

Q. So, if Cavalier has ordered dark fiber from central office A to central office C and found spans that go from A to B and B to C, Cavalier cannot have one splice point in central office B, it has to do a fiber termination panel, bring in one set and have multiple splice points in the intermediate central office?

A. Yes, as it is currently defined, yes.

Q. Isn't it true there's dark fiber in other states, such as Rhode Island, through intermediate central offices without that type of arrangement?

A. Yes, we do offer it in different flavors in different states.

Q. Okay. What's the reason why that flavor

isn't available in Virginia?

A. State-specific offerings have been decided based on state proceedings and specific needs in that state, and we have not had those requirements changed in the State of Virginia, and we are providing the standard dark fiber offering, which is a span between two central offices that is continuous and available.

(There was a pause in the proceedings.)

BY MR. PERKINS:

Q. Finally, does Verizon offer dark fiber from -- other than interoffice dark fiber -- other than interoffice dark fiber, such as dark fiber from a CO to customer premises in Virginia?

A. Yes, we do.

Q. Okay. And do you know if Verizon has provisioned any arrangements of that type in Virginia?

A. No, I don't.

Q. Okay. Is there anyone that's testifying in this proceeding that would be able to tell us that?

A. (Albert) I don't think we have. We've had very few orders for dark fiber loops. I think we've had a small handful from you guys where we did not have dark fiber available for those specific locations. Other than yourselves, I'm not aware of

anybody else yet ordering in Virginia dark fiber loops.

The majority of orders -- the vast majority of orders that we've had, what we've actually provisioned in Virginia, has been for dark fiber IOF, dark fiber interoffice facility.

Q. In fact, Cavalier has been unsuccessful in every inquiry it's made for fiber from the central office to customer premises. Isn't that right?

A. I was aware of -- I don't know whether it was four or five. Like you said, a handful where we did not have dark fiber available.

Q. I believe it was a rather protracted process, was it not, in terms of trying to get a field survey arranged, trying to get a consistent response to the inquiry and so forth?

A. Well, do you want to --

(Shockett) Did you actually ask for a field survey after you got a negative dark fiber inquiry request response?

Q. Actually, I should probably try to locate the relevant portion of the testimony.

Actually, I think those facts, at least from our point of view, are set forth in our prefiled testimony, so I'll leave it to your attorneys to ask

us about that one.'

A. (Albert) Okay. I think what threw us a little is they are two similar sounding but still separate processes. There's an inquiry, which is a CLEC request if we have dark fiber available between two particular points, and that is basically a records review that Verizon goes through, and we do a "yea" or a "nay" in response to that inquiry from a records review.

Then there's another process, similar in nature, but a different purpose and a different process, called a field survey, which is the CLEC wants to go to the next step, wants to have us now actually send technicians into the field to verify that the records were correct as well as -- or incorrect -- as well as that fiber is available to take the transmission readings so that the CLEC can then use those transmission readings as part of the reading they do to design the overall system that they're providing.

That field survey is a next step additional separate request -- additional charge process. So, it's progressively getting information that could be used and useful, but there are two things that would happen one after the other if the

CLEC chooses to go that approach.

Q. The instance I was trying to recall, I believe, involved a dark fiber inquiry to customer premises where there was fiber from the CO to the pedestal and not from the pedestal onto the premises, and please correct me if I'm wrong, and there was a time and materials basis, and that request was denied and there was a service from the pedestal to the premises, but not from the pedestal to the CO.

I was trying to find out if there had been successful dark fiber inquiries in Virginia, which there were not, and if so, why not, and I'm not sure we can answer the specifics of that here?

A. Well, there have been successful dark fiber inquiries in Virginia, but I don't know if they were just IOF inquiries or if they were to the customer premises.

Q. One last question.

Why is it that a CLEC is not allowed to participate in a field survey when the CLEC is required to pay for that? Send a person along as part of the field survey.

A. The technician is -- the technician is a Verizon technician looking at the facilities that Verizon has, and they're just doing a check on those

facilities to make sure that what we have reported before is accurate or if it isn't accurate then to find out the status, and they would get back to the planning group and then to the person who actually discusses that, our service delivery engineer.

So, you know, we have a point of contact that does that communication with you, and that's the point of contact that should be speaking with you as far as the response on the dark fiber survey.

Q. Okay. I'm not sure that really answered my question.

I was asking why a CLEC representative would not be allowed to go along on that field survey if the CLEC is paying for that technician's time and whatever materials are used.

A. Well, it's not part of our standard operating procedures to have somebody come along with you also when we're doing our work, and it's just not generally something we would do.

Other than that, I don't have a response, unless Don has something to add to that.

A. (Albert) No.

Q. So, there's no specifically articulated policy related to that particular situation?

A. Not that I'm aware of.

Q. Okay. Thank you very much for your time.

MR. PERKINS: I have no further questions.

HEARING EXAMINER: Thank you.

Mr. Keffer?

EXAMINATION

BY MR. KEFFER:

Q. Mr. Albert, all of the issues, I think, that Mr. Perkins asked you about are issues pending before the FCC, are they not? Certainly the bulk of them.

A. (Albert) I'm not sure if they all are.

Q. All right. Tell me which ones are not.

MR. ALBERT: Do you --

MS. SHOCKETT: Okay.

BY MR. KEFFER: (Continuing)

Q. You just didn't want to answer my question?

A. (Albert) Well, it's more of a product of what's in the arbitration. I mean, I've read the arbitration. I did not handle the dark fiber in that arbitration, so I'm not sure of the particular issues that are a part of that.

(There was a pause in the proceedings.)

MR. ALBERT: I mean, I think there are some additional ones with MCI and AT&T, above and beyond what Cavalier was asking about.

MS. SHOCKETT: That's correct. Not all of the issues that were discussed are part of the arbitration -- the FCC arbitration among AT&T, WorldCom and Cox and Verizon.

BY MR. KEFFER: (Continuing)

Q. Okay. My questions are which ones were not?

A. (Shockett) I don't see the parallel provisioning one.

(Albert) Yeah, that was --

Q. Because that's a new one you've thrown in since the arbitration, right?

A. That's a new development. I mean, Cavalier, starting in Pennsylvania, was really the first request we began working on.

Q. Right. I was in the arbitration proceeding. People complained that you wouldn't provide dark fiber unless somebody had a collo space ready to accept it, and by the time they got the provisioning, lo and behold, there's no dark fiber available.

You recall hearing that complaint during

the arbitration from others, I'm sure?

A. And it was a reasonable request, like I said. The current approach that we have that we'll take an order, once there is a place for us to be physically able to connect our lines to -- we have not just singled out dark fiber to apply to that. That basic fundamental approach is the way we run our business for not only unbundled network elements, but for all orders from carriers as well as orders from our own end-users.

What you run into, though, is with dark fiber it is a particularly scarce resource, particularly if you're talking dark fiber in the interoffice facilities network. There are many locations where it can be a scarce resource.

Q. Do you have --

A. Well, let me just finish with the background, since you asked.

So, basically, what we wound up with was that during the normal course of time for a CLEC to get a collo built, the scarce dark fiber that was originally there when they had asked, by the time the collocations were built, some other carrier had come along and used it.

So, changing our processes and changing

them for dark fiber and working through the trial and making the ability to do that for dark fiber interoffice facilities, that was all pointed towards so that the CLEC could order collo and order fiber and begin paying for the fiber all in the same general point in time, and then also have a process that if in fact it turned out that the fiber wasn't there, that they could basically pull back, if they wanted to, their collocation application. And that's how it all evolved.

And that is a process that we have developed, and we do it for unbundled dark fiber, but there are no other retail, wholesale or unbundled products with this type of a parallel provision available for it.

Q. I notice you referred to parallel provisioning as a trial. Why is that?

A. That's because it is a major different fundamental change to how we engineer and assign and provision and provide customer services.

Q. There have been issues in the past about how Verizon identifies the location of dark fiber, right? And by that I mean in the beginning when dark fiber was -- it was required that you make it available, you wanted CLECs to ask about point A to

point B. And you had answered a question, point A to point B, and if there happened to be dark fiber from a point right across the street from point A to point B, you didn't tell the CLEC about that. It was only A to B, right?

A. (Shockett) The dark fiber record review just looks at the two points that the CLEC is asking for. So, yes, you know, it would be a response based on the two points you were inquiring about.

Q. And the CLEC had to be very specific about the two points it was asking about, right?

A. Yes.

Q. So, if you had dark fiber from a point across the street from one of them, you didn't mention that in your response, did you?

A. Well, if we were going to connect the dark fiber, it would have to be to the point that you were -- the two points that you were looking for. If it was across the street, it wouldn't be the same fiber span.

Q. Okay. So, after going through the cat-and-mouse game, CLECs started asking you for maps, right?

A. (Albert) Like I said, in Massachusetts, as a result of our arbitration on dark fiber with

AT&T, the outgrowth from that arbitration were the type of wire center maps with street level detail that AT&T was asking for, and we make those maps available in all of our states as part of our dark fiber offering. But those wire centers maps showing the dark fiber cable sheaths with street-level detail, that was a specific outgrowth that originated from AT&T's requests in the dark fiber arbitration that we had in Massachusetts, really, I think back in '99, was the time frame. And that is available in Virginia, as well as everywhere else.

Q. Does Verizon have a dark fiber reservation policy? Does Verizon reserve dark fiber for itself?

A. That's where I said earlier you've got to really pin people down when they use the word "reserve" because that terminology is not standard, and that can mean a variety of different things differently to a variety of different people. And if by "reserve" you mean can you order a facility and get a facility and not pay us for it, no, we don't do that.

Q. I was asking about your internal policies, not what you do for CLECs.

A. We don't reserve facilities for

ourselves, either. We'll assign them to orders, we'll assign our own fiber-optic optical orders.

Q. So, if there's an instance where you know a big customer is coming on line in six months and you have a facility that goes out to that customer, if another CLEC wants that, you'll give it to them? You don't try to reserve that to your own use?

A. When -- what we'll do is when we're in the process of actually beginning to engineer, design, construct our own fiber-optic systems, those could be driven by a variety of factors. It could be an individual type of a customer order. More often, more frequently, it's an aggregation of transport needs which drive us to have to put in additional fiber-optic transport capacity.

But what we'll do is when we begin to actually engineer and to build that fiber-optic system, that's the point in time, then, that we'll assign fibers to it for ourselves. That's the same in Massachusetts and the same in New York, and in all the other states where we've been checklist compliant, and that's the same general approach in Virginia.

Q. All right.

So, what was the answer to my question?

A. We don't reserve, we assign them to

ourselves as we're actually beginning to engineer and build them.

Q. So, if in my hypothetical, there was dark fiber from an office to a customer that a CLEC wanted, the CLEC could obtain that as easily as you could for your own internal Verizon needs?

A. I would say yes, because the point that makes a dark fiber complete and finished and in inventory and which gives us the ability ourselves to assign it to our own systems -- that continuous, end-to-end hard termination points on both ends -- those requirements which are what a CLEC needs to be able to order dark fibers -- those are the exact requirements that we need ourselves to be able to work our own optical orders to assign fibers to our own systems for our own purposes.

Q. Okay. So, from that last answer, I take it that you're very careful not to establish a termination point at the customer's end until you're ready to use the facility. Is that the point you were getting at there?

A. No, I think that's probably a very broad generalization. We, ourselves --

Q. Well, it's true that there's no termination point at the customer premises in the

hypothetical that I described, and you don't consider that to be dark fiber?

A. Well, we don't consider that to be fiber. If there's no fiber there, there's no fiber there. If we have not constructed and have built into inventory fiber-optic strands at a particular premise, we can't use that for one of our own orders, nor could a CLEC use that for a dark fiber order.

Q. Let's refine the hypothetical a bit. A big new office park coming into an area. Verizon is aware of it, builds fiber out to the border of the office -- am I getting into your stuff?

MR. FREEDMAN: Please.

BY MR. KEFFER: (Continuing)

Q. Verizon builds fiber out to that office park, but doesn't connect it to anything. It goes from one of your offices out to this vacant piece of land where there will be an office park.

Now, under your definition of dark fiber, if I understand it correctly, that's not dark fiber. That's just fiber cable that happens to be laying there. But until it's terminated to something, it's not quote-unquote dark fiber.

Now, did I have that right, or...

A. Generally, yes, but the reason is that

fiber needs to be connected to a termination point where it can be -- where we can deliver it, where you can connect your lines up to it, where the two parties can test it, can use it.

We cannot work our own orders for dark fiber until fiber is actually terminated at a termination point.

So, if a fiber cable is just ending in a hole in the dirt in the ground, we're not going to be able to use it ourselves for our own fiber orders and the CLEC won't be able to use it for their orders, either.

Q. Okay, and help me out here. I know that Verizon in its sound construction practices wouldn't put fiber out to a termination point that was just a hole in the ground. But under the hypothetical that I describe, you're building out to a potential office park or one that's under construction, where would you end the fiber when you did that construction?

A. Well, it could be a number of different places, and it would really depend on the particular --

Q. Well, give me the most typical scenario.

A. Well, there are probably three most typical. I was going to narrow it down to that for

you.

We could either terminate the fiber at a controlled environmental vault, which would be a large manhole, which would be in the outside plant network where we would place our own fiber-optic electronics to use the fiber to provide services.

The next most typical is we could terminate it to a hut or a small building of ourselves which we would use also to place our own fiber-optic equipment in.

The third most likely place would be we would terminate it at a customer premise in a customer building to use to provide fiber-optic services to that particular building or customer.

So, if you want broad generalities about where do we typically terminate fiber, meaning it's a location where we're going to place our own electronics to use it, it's going to be huts and controlled environmental vaults, as well as customer prems.

Q. So, in each of those three instances if your fiber extends out there, but you haven't placed electronics yet, if there's unused fiber there, is it dark fiber, under your definition?

A. Where?

Q. Well, you just told me -- you just identified for me three places where you typically terminate fiber.

A. All right. If there is not fiber constructed into a building, and if that fiber is not terminated, we have to do additional construction to get it into the building and to get it terminated.

The fact that we have to do additional construction, it is not yet finished, usable fiber, either as dark fiber by a CLEC or as fiber by ourselves.

So, in order for it to be usable, it's got to be completely constructed and then terminated at a location and then built into our inventory of finished fibers.

Q. Okay.

I guess I'm trying to understand the difference between terminated and unterminated.

Is it the placement of electronics? You're shaking your head no, so --

A. No, I have run into a number of CLECs, and you've even seen it in some of the comments -- who use this term, terminated and unterminated. I agree with you it is a blurry, ill defined term, and I think one of the difficulties we have talking with the

hypotheticals and the generalities is there's probably five different physical flavors of different configurations and different arrangements that you can actually find that exist that people will broadly refer to as being unterminated fiber.

So, you know, if you're going to ask us questions, you've really got to try and start nailing down more particularly, you know, which one of these specific arrangements is it that you're talking about if you want us to answer questions for -- that come under that very broad umbrella of unterminated fibers.

Q. Okay. Well, that's a good idea.

So, let's go back to the question that you still haven't answered yet and start from there.

My hypothetical goes out to a vacant piece of land where there's going to be an office park. Verizon builds fiber out to that piece of geography.

Where does that piece of fiber cable end?

A. It ends wherever in your example it stopped.

Q. You built it. This is your cable. I'm asking you what your internal construction practices are.

A. I really can't answer -- I mean, you're

asking such a broad generalized question, I can't give you an answer. I mean, our practice --

Q. Is that what you tell your network VPs if they ask you that question? I mean, come on, Mr. Albert, I'm not asking anything complicated.

A. Our practice is to terminate fibers in controlled environmental vaults and in huts, and in customer prems.

Q. All right.

Well, there's no customer prems in my hypothetical, so that leaves the other two.

Now, in your typical practice which are you likely to place out on this vacant piece of land?

A. Either a hut or a controlled environmental vault.

Q. All right.

So, that fiber ends -- I won't use the word "terminated" -- ends at one of those two items that you described.

A. Okay.

Q. All right.

The office park goes up, you haven't done anything else. Is that dark fiber that a CLEC could have access to?

A. The fiber that was terminated in the

controlled environmental vault would be available to you, and the product manager can correct me, but that is what a dark fiber sub loop is.

(Shockett) Right. If the fiber was terminated in that hut or controlled environmental vault, and I mean terminated to do some kind of fiber patch panel, the CLEC could have access to that as a sub loop dark fiber.

If however -- and, Don, correct me on this -- we were in the construction process, planning fiber out to a new business complex, and we had planned to terminate the fiber in the building that is yet to be built, we may have the fiber running on the street totally unterminated, waiting for the construction of the building to be finished. And then when the construction is done, we would pull it into the building to some location in the building where we would terminate the fibers.

So, you know, it really depends on what the plan is for that particular area and what stage it's in and the actual design of the fiber that's going to be running in the street.

Q. Okay. Now I'm confused.

Mr. Albert told me that when you built fiber you wouldn't just leave it in a hole in the